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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,067	08/25/2003	Keizo Suzuki	9333/351	3368
757	7590	08/26/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE			NGUYEN, CUONG H	
P.O. BOX 10395			ART UNIT	
CHICAGO, IL 60610			PAPER NUMBER	
			3661	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,067	SUZUKI, KEIZO	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication received on 3/21/2005 (the Response). Claims 1-18 are pending in this application.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority (Japan) of 08/26/2002.

Drawings

3. This application is submitted with 8 sheets of formal drawings (Figs. 1-12). They are accepted by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-8, 13, 15, and 18 are rejected under 35 U.S.C. § 102(b) as being anticipate by Ando et al. (US Pat. 6,230,098).

A. As for independent claims 1, 13: Ando et al. teach a vehicle navigation system and a method, comprising:

- a display (see Ando et al., Fig.1 ref. 18);
- a database operable to store pre-update navigation data and difference data (see Ando et al., Fig.1 refs. 22, 32);
- a difference data receiver to receive difference data (see Ando et al., Fig.1 ref. 32);

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- a difference data processor operable to generate updated/current/freshness information based on the received difference data and pre-update navigation data (see Ando et al., the abstract, claim 1 “updating means”, and Fig.1 ref. 26); and
- a display controller operable to generate images corresponding to map information, vehicle position, guidance information and freshness information for presentation on the display (see Ando et al., “updating means”, Fig.1 ref. 18, and Fig.3).

B. Re. to dependent claims 2, and 18:

Ando et al. inherently teach that a difference data is a point of interest (POI) data since POI is merely a particular location (i.e., a name for a landmark, a shopping mall, or an intersection .etc.).

C. Re. to dependent claim 3:

Ando et al. teach a difference data receiver receives difference data from a broadcast system (i.e., merely an electronic receiver, see Ando et al., Fig.1 ref. 40).

D. Re. to dependent claim 4:

Ando et al. inherently teach that a display, a database, a difference data receiver, a difference data processor, and a display controller are connected with a communication bus (it is inherent that components on a device are tied together by a communication bus, see Ando et al., Fig.1 ref. 10).

E. As for dependent “apparatus” claim 7: Ando et al. also teach about updated/freshness information (see Ando et al., col. 1 lines 35-39 i.e., when talking about updating information, it inherently includes about determining a location in a database or not).

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F. As for dependent claim 15: This claim contains similar limitations as in above-rejected claim 7 although claim 15 is directed to a step of determining “new” or “old” information, then displaying that information; therefore, Ando et al. inherently teach that step after updating information.

G. As for dependent “apparatus” claim 8: Ando et al. teach that information includes an “update” (that term “update” already means a new date when the information is recorded).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Dependent claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. 6,230,098).**

The rationales and reference for rejection of claim 1 are incorporated.

Ando et al. do not disclose about “a reliability assessment”.

However, it would have been obvious that a given information source after a selection process should be reliable; therefore, “a reliability assessment” is merely “a function” would have been done by Ando et al.’s “updating means” because “a selection section 56” is capable to perform that claimed function (see Ando et al., Fig.1 ref.52, and col. 6 lines 32-42, col. 7 lines 11-16, and col. 8 lines 54-57). The motivation is functioning as a means that doing verification before updating so that a user is comfortable while using data.

6. **Claims 9-12, 14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. 6,230,098), in view of the Official Notice.**

A. As for dependent claims 9, and 16:

The rationales and reference for a rejection of claim 1 are incorporated.

Ando et al., suggest about generating updated navigational information. They do not expressly disclose a list of location names.

The examiner respectfully submits that having a controller/a microprocessor to displaying a list of updated location is old and well-known (please note that output information are always organized into a list), and Ando et al.'s management file structure Fig.9, and display 18 is capable to perform such function (e.g., displaying a list of updated information).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Ando et al.'s apparatus by displaying a list including location names and freshness information for each location name because Ando et al.'s "management file structure" displays updated data for viewing by a user.

B. As for dependent claims 10-12, and 17:

The rationales and reference for a rejection of claim 1 are incorporated.

Ando et al., do not disclose different ways/formats to represent freshness information.

However, the examiner respectfully submits that Excel software of Microsoft provides those old and well-known functions (e.g. displaying a result by bar-chart for representing a different in size, or a pie-chart, or by different colors for different levels of important) to draw different attentions of users.

C. As for dependent claim 14:

The examiner respectfully submits that claim 14 limitations are similar to a combination of limitations of claim 6, and claims 10-12 (i.e., searching and retrieving data after querying by a user, then displaying those data); therefore, similar rationales and references set forth are applied for an obviousness rejection for claim 14.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement above ideas of Microsoft's Excel with Ando et al.'s displayed representation for the benefit of making different representations to draw users' attention when searching and retrieving data for a related query of a user.

Response

7. The examiner maintains previous grounds of rejections. The examiner respectfully disagrees about the assertion on page 2, 3rd para. "having elements pertaining to the display of freshness information"; the position of the examiner simply is: claim 1 is apparatus claims comprising physical components, modules, devices etc., therefore, a limitation of "having elements pertaining to the display of information" was met by Ando – that difference of data was a basic to recognize in Ando's patent (displaying current/updated/freshness information is inherent; i.e. Ando's abstract already discloses "to be updated by using the latest map data transmitted from an information center"; claimed step of comparing different data then updating existing information is inherently done before updating). Independent method claim 13 comprises "displaying a location name and freshness information for the location" that phrase is reasonably interpreted as - displaying a location name and new information for the location – based on this interpretation, Ando's patent meets this limitation (see Ando, the abstract, and claims 1, 14 for using "updating means"). The examiner respectfully submits that displaying "current" information is inherent in many electronic systems because only updated information are necessary to a user (besides, a user can easily obtain past information from many other available sources).

Conclusion

8. Claims 1-18 are not patentable. Applicant's arguments are unpersuasive; accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:30 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661